STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of MELISSA RYNERSON and DERECK RYNERSON, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

MICHAEL TROY,

Respondent-Appellant.

UNPUBLISHED
May 11, 2004

No. 251132
Genesee Circuit Court
Family Division
LC No. 02-115706-NA

Before: Murray, P.J., and Neff and Donofrio, JJ.

MEMORANDUM.

Respondent appeals as of right from the trial court order terminating his parental rights to the minor children under MCL 712A.19b(3)(b)(i), (g), (j), (k)(ii), and (k)(iii). We affirm.

The trial court did not clearly err when it found that the statutory grounds for termination were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Petitioner offered clear and convincing evidence that respondent committed severe physical abuse upon both children and sexual abuse involving penetration on at least one of the children, all of which created a reasonable likelihood of future harm to the children. The child's claims regarding the abuse were supported by testimony from respondent's ex-girlfriend, the counselor's evaluation, and respondent's own admissions. Further, no evidence indicated respondent made any significant effort to improve his parenting by completing parenting classes or continuing counseling.[1]

[1] We note that respondent did not appeal the order terminating his parental rights to his younger child, Dylan, although he challenges this termination in his appellate brief as well. Any issues regarding this termination are not properly before this Court. Moreover, contrary to respondent's argument, a court may terminate one parent's rights when the other parent retains custody; the court need not rely on traditional custody and visitation proceedings to protect the child. *In re Marin*, 198 Mich App 560, 566-568; 499 NW2d 400 (1993).

Respondent argues that the trial court should have placed the children with his mother. The mandate that children be placed in the most "family-like setting" that meets their needs, MCR 3.965(C)(2), did not require the court to grant the paternal grandmother guardianship when terminating parental rights was in the children's best interests. *In re IEM*, 233 Mich App 438, 453; 592 NW2d 751 (1999). There was little possibility of respondent ever being able to provide proper care and custody, and there was a significant risk that the grandmother would allow him unsupervised access to the children.

The trial court, therefore, did not err when it terminated respondent's parental rights to the children.

Affirmed.

/s/ Christopher M. Murray
/s/ Janet T. Neff
/s/ Pat M. Donofrio